

REMARKS

Claims 1–15 are pending in this application. By this Amendment, claims 1, 6, and 9–12 are amended and claims 13–15 are added. Support for the amendments to the claims may be found, for example, in the original claims, and in the specification at page 6, lines 7–13. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Non-Obviousness Double Patenting Rejection

The Office Action provisionally rejects claims 1–12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1–13 of U.S. Patent Application No. 10/543,134. Without admitting to the propriety of the rejection, and in the interest of advancing prosecution, Applicants are simultaneously filing herewith a Terminal Disclaimer over the cited reference, thus obviating the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection under 35 U.S.C. §102(b) or 35 U.S.C. §103(a)

The Office Action rejects claims 1–12 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,696,197 to Inagaki et al. ("Inagaki"). Applicants respectfully traverse the rejection.

Claim 1, as amended recites: "...a liquid-absorbing resin layer capable of absorbing a nonaqueous electrolyte solution and shows adhesion, wherein the liquid-absorbing resin layer comprises a polymer of a monomer composition, the monomer composition containing: a monofunctional monomer component (A) comprising a polyethylene glycol acrylate monomer and an amide bond-containing acrylic monomer; and a polyfunctional monomer component (B)" (emphasis added). Such features are not taught or suggested by Inagaki.

Inagaki teaches that "it is possible to fix the electrolyte absorbing sheet 15 and the heat conductive sheet 6 with, for example, an adhesive." *See* column 15, lines 7-9. The specification, on the other hand, specifically states that "in the liquid absorbing sheet of the present invention, the liquid-absorbing resin layer 1 can itself absorb and retain significant amounts of an electrolyte solution and itself has adhesion, so that the need to provide a separate adhesive layer is eliminated." *See* specification page 6, lines 6-11. Thus, Inagaki fails to disclose a liquid-absorbing resin layer that shows adhesion, as required by claim 1.

Furthermore, Inagaki fails to teach or suggest a polymer of a monomer composition containing a monofunctional monomer component (A) comprising a polyethylene glycol acrylate monomer and an amide bond-containing acrylic monomer; and a polyfunctional monomer component (B). Instead, Inagaki teaches that it is electrolyte absorbing sheet may be: "a homopolymer or a copolymer of carbonate and olefinic hydrocarbon or a mixture thereof as the polymeric material forming the electrolyte absorbing sheet. To be more specific, the polymeric material used forming the electrolyte absorbing sheet in the present invention includes, for example, polycarbonate, polyethyl acrylate, polymethyl methacrylate, polyethylene oxide, polypropylene oxide and a copolymer containing these monomer units." *See* column 14, lines 8-16. None of these compounds is a polyethylene glycol acrylate monomer or an amide bond-containing acrylic monomer, or a polyfunctional monomer component. Therefore, one of skill in the art could not possibly arrive at the claimed polymer composition from the teachings of Inagaki.

Inagaki does not anticipate, and would not have rendered obvious claim 1. Claims 2-12 variously depend from claim 1 and, thus, also are not anticipated by and would not have been rendered obvious by Inagaki. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. New Claims

By this Amendment, new claims 13–15 are presented. New claims 13–15 depend from claim 1 and, thus, distinguish over Inagaki for at least the reasons discussed above with respect to claim 1. Prompt examination and allowance of new claims 13–15 are respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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